

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NICOLE STEWART SIZER,

Plaintiff,

vs.

Civil Action No. \_\_\_\_\_

INDEPENDENT NEWSPAPERS, INC.,  
a Delaware Corporation,

Defendant.

## NOTICE OF REMOVAL

Defendant Independent Newspapers, Inc. ("INI" or "Defendant"), by and through undersigned counsel, hereby gives notice that this matter has been removed, pursuant to 28 U.S.C. § 1446, to the United States District Court for the District of Delaware. The grounds for the removal are as follows:

1. Plaintiff Nicole Stewart Sizer ("Plaintiff") commenced this action, entitled Nicole Stewart Sizer v. Independent Newspapers, Inc., Civil Action 05C-05-023 WLW, (the "State Action") in the Superior Court of the State of Delaware, Kent County. The Complaint in the State Action was filed on or about May 13, 2005. Defendants were served on May 18, 2005.

2. This action, the nature of which is reflected in Plaintiff's Complaint, a copy of which is attached hereto as Exhibit "A," alleges violations of the Delaware Discrimination in Employment Act, 19 Del. C. § 710 *et seq.*, and the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601 *et seq.*

3. This Court has federal question jurisdiction over the action because Plaintiff seeks to enforce her rights under the FMLA, pursuant to 29 U.S. C. § 2601 *et seq.*

4. This action is therefore one over which the United States District Courts have original federal question jurisdiction under 28 U.S.C. § 1331 and this action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441. This Court has supplemental jurisdiction over the remaining state claim under 28 U.S.C. § 1367.

5. Defendant has petitioned for removal of the State Action within the 30-day period allowed by 28 U.S.C. § 1446(d).

6. Copies of the Complaint and other papers served upon Defendant, if any, in the State Action are attached.

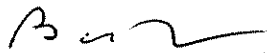
7. Under 28 U.S.C. § 1441, *et seq.*, the right exists to remove this case from the Superior Court of the State of Delaware in and for Kent County, which embraces the place where this action is pending. Defendant does not contest venue.

8. Written notice of the filing of this Notice of Removal will be given to all adverse parties as required by law.

9. A true and correct copy of this Notice of Removal will be filed with the Prothonotary, Superior Court of the State of Delaware in and for Kent County, as required by law.

WHEREFORE, Defendant respectfully requests that this action now pending against it in the Superior Court of the State of Delaware in and for Kent County, be removed therefrom to this Court and that this action be placed upon the docket of this Court for further proceedings, as though this action originally had been instituted in this Court.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

  
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Attorneys for Defendant

Dated: May 26, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2005, I caused a copy of **Notice of Removal** to be served by U.S. mail on the following counsel of record:

Noel E. Primos, Esquire  
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Dated: May 26, 2005